

REPORT - PLANNING COMMISSION MEETING
March 27, 2003

Project Name and Number: **Highland Park (PLN2003-00196 for Extension of Vesting Tentative Tract Map 7201)**

Applicant: Pacific Union Homes Inc.

Proposal: An extension in time of one year to an approved Vesting Tentative Tract Map for 60 townhouses.

Recommended Action: Approve based on Findings and subject to conditions.

Location: 3555 Peralta Boulevard and 37245 Sequoia Road located in the Centerville Planning area.

Assessor Parcel Number(s): 501 131000303
501 131000304

Area: The total site area is 4.2 acres.

Owner: Matthew A. Tunney, Fremont Sequoia Investors, LLC

Agent of Applicant: Bruce Myers, Pacific Union Homes, Inc

Consultant(s): N/A

Environmental Review: A draft negative declaration was prepared and approved by the City Council with the General Plan Amendment for this project in February 2000.

Existing General Plan: Medium Density Residential, 11-15 units/acre

Existing Zoning: P-2000-00142

Existing Land Use: One vacant commercial building and undeveloped land.

Public Hearing Notice: Public hearing notification is applicable. A total of 398 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Red Cedar Terrace, Foxtail Terrace, Greenwood Drive, Peralta Boulevard, Sutton Loop, Parish Avenue, Spruce Terrace, and Sequoia Road. The notices to owners and occupants were mailed on March 17, 2003. A Public Hearing Notice was delivered to The Argus on March 12, 2003 to be published by March 17, 2003.

Executive Summary: The applicant is requesting an extension to a Vesting Tentative Tract Map, which was originally approved by Planning Commission in July 2000. The proposed development would see the construction of 60 townhouses on a 4.2 acre parcel of land located at the corner of Peralta Boulevard and Sequoia Road in the Centerville Planning Area. The applicant has indicated that the extension to the Vesting Tentative Tract Map is being requested due to the ongoing economic uncertainty and the downturn in the local housing market.

Background and Previous Actions: The site is composed of two undeveloped parcels. One of them is a 1.2 acre parcel, and the other a 3.0 acre parcel. The site lies south of Southern Pacific Railroad alignment and multifamily housing. To the west of the property are multifamily residences, and to the east single-family dwelling units. To the south of the property are older single family and similar older homes converted into businesses in a small area zoned for commercial uses. On February 22, 2000, City Council adopted Resolution 9502 to amend the project site's General Plan Land Use designation from "Community Commercial and Medium Density Residential (15-18 dwelling units per acre)" to

"Medium Density Residential (11-15 units per acre)". On June 8, 2000, Planning Commission approved PLN2000-00142 to allow the development of 60 townhouses with the associated parking and landscaping. The two and one-half story townhouses (two floors over tucked-under parking) are proposed to be developed in two building types: one with four units attached and one with six units attached. Twelve of the townhouses face Peralta Boulevard, with the front door and front patio areas close to the street. On Sequoia Road, the side of the units facing the street will be specially treated to provide a porch and steps, with a landscaped setback that resembles a single-family home design. The development includes four garden courtyard areas between buildings, a lawn and children's play area, and a community garden at the rear of the site.

Project Description: The applicant is requesting a one-year extension to the Vesting Tentative Tract Map 7201. This is the applicant's second request for an extension. The Vesting Tentative Tract Map was originally approved by Planning Commission on July 13, 2000, with the first extension being reviewed and approved by Planning Commission in January 2002. As noted earlier in the report the applicant has advised staff that the extension is being requested due to the economic uncertainty and the downturn in the local housing market. The City Council has not approved a Final Map for the site because the applicant has not proceeded with the recordation phase of the Final Tract Map.

Time Extension of an Approved Map: As set forth in Chapter 3, section 66452.6 (a) in the Subdivision Map Act, an approved or conditionally approved tentative map shall expire 24 months after its conditional approved. In addition to this, under section 66452.6 (e), if the application of the subdivider is filed prior to the expiration of the approved or conditionally approved tentative map expiration, the Planning Commission may approve or conditionally approve for a period not to exceed a total of five [one-year] extensions. Therefore, per Section 66452.6 (a) and Section 66452.6 (e) of the Subdivision Map Act, the maximum number of extensions for Map 7201 is five [one-year] extension. This application represents the second request to the City for a one-year extension in time for Vesting Tentative Tract Map 7201 that can be granted by the Planning Commission. The City's subdivision ordinance allows three [one-year] extension requests, however, State law preempts the ordinance to allow five [one-year] extensions.

Project Analysis:

General Plan Conformance: The existing General Plan land use designation for the project site is Medium Density Residential, 11 to 15 units per acre. The project remains consistent with the relevant goals, objectives, policies and implementation measures of the General Plan and Centerville Specific Plan.

Development Policy for Centerville: This project is located in Subarea 9 of the Centerville Specific Plan area. The subarea is comprised of commercial buildings, residences converted to commercial use, single-family homes and vacant parcels. The proposal is consistent with the Specific Plan which anticipated residential development on this site with homes compatible with the condominium project on the west side of the property and the single-family homes to the east.

Park Dedication-in-lieu Fee: This project is subject to payment of a Park Dedication-in-lieu fee. The City previously calculated this fee and required payment at the time of Final Map approval, however, the City has now changed its ordinance to require payment at time of building permit issuance. Therefore, staff recommends that the following condition be added to Exhibit "B" FINDINGS AND CONDITIONS OF APPROVAL for the extension of Vesting Tentative Tract Map 7201.

"The developer may elect to either pay a Park Dedication-in-lieu Fee prior to recordation of the Final Map as originally required by the Park Dedication-in-lieu Ordinance in effect at the time of Vesting Tract Map approval or prior to issuance of a building permit. In either case, the rate of the Park Dedication-in-lieu Fee will be based upon the fee in effect at the time of payment. Note: The City adjusts fee rates annually (typically in July or August of each year) in accordance with the provisions of the Park Dedication-in-lieu Ordinance."

Affordable Housing Units: During the approval of the Planned District for the development (Condition of Approval), the developer agreed to provide six units for sale in a Below Market Rate (BMR) sale program approved by the Assistant City Manager. The Conditions of Approval for the Planned District also obligated the applicant to pay a fee to support development or rehabilitation of low and very low income housing if such a fee was created by the City within five years of

approval of the Planned District. In September 2000, the owner was trying to sell the entitled property without this ambiguous encumbrance, and was will to make a donation of \$120,000 to be used by the City for affordable housing. On October 10, 2002, City Council accepted the donation of \$120,000, on the basis that it could fund up to four (4) rehabilitation loans, or three (3) loans for first time homebuyers, or two (2) of the newly constructed homes, thus increasing the affordable housing within this project to well over 10 percent.

Environmental Analysis: A Draft Mitigated Negative Declaration was approved by the City Council on February 22, 2000, in conjunction with the General Plan Amendment. This application is only for an extension of time for a previously approved project.

Response from Agencies and Organizations: None of the circulated agencies responded with any concerns with the extension request.

Enclosures:

Exhibit "A" (Vesting Tentative Tract Map 7201)
Exhibit "B" Approved Conditions of Tract 7201
Exhibit "C" "Park Dedication-in-lieu Fee Condition"
Exhibit "D" Extension Request (Informational)

Exhibits:

Exhibit "A" Vesting Tentative Tract Map 7201

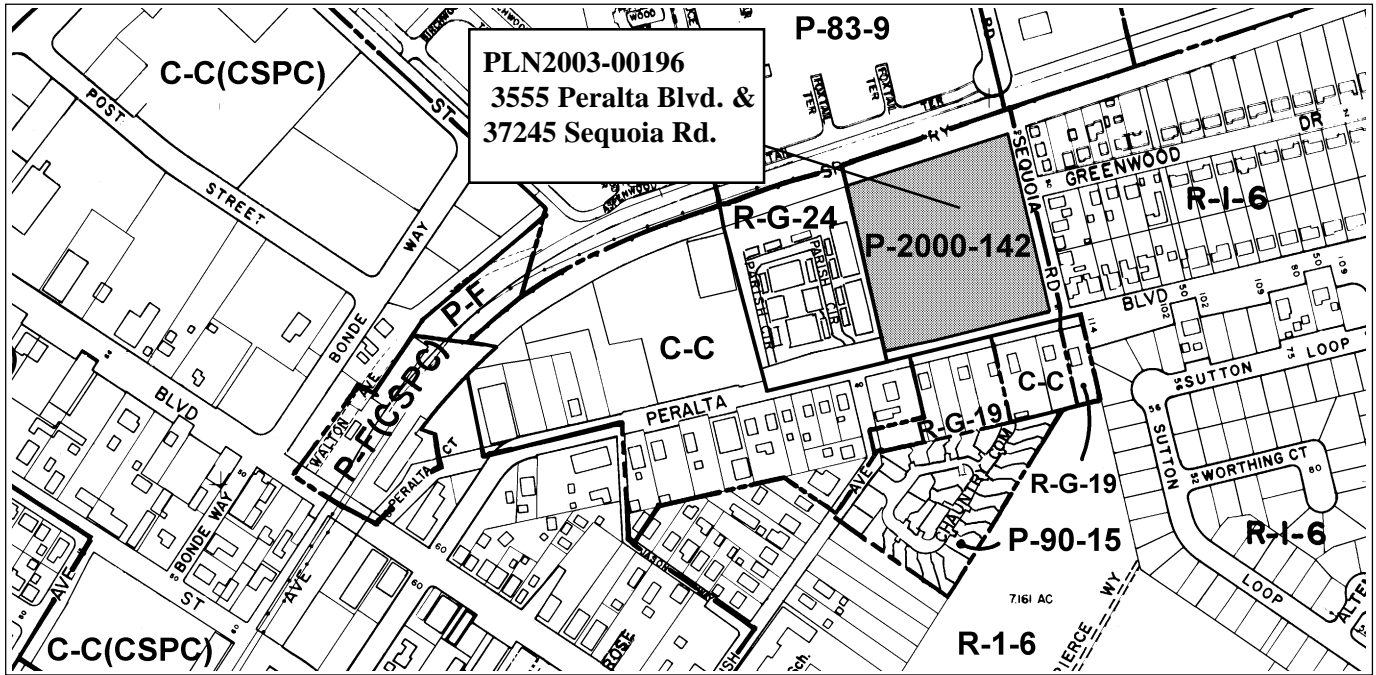
Recommended Actions:

1. Hold Public Hearing.
2. Approve the one-year extension to July 13, 2004 for Vesting Tentative Tract Map 7201 as shown on Exhibit "A" based upon all previous findings and subject to the originally approved conditions as identified in Exhibit "B" and revised Parkland Dedication-in-lieu Fee Condition outlined in Exhibit "C".

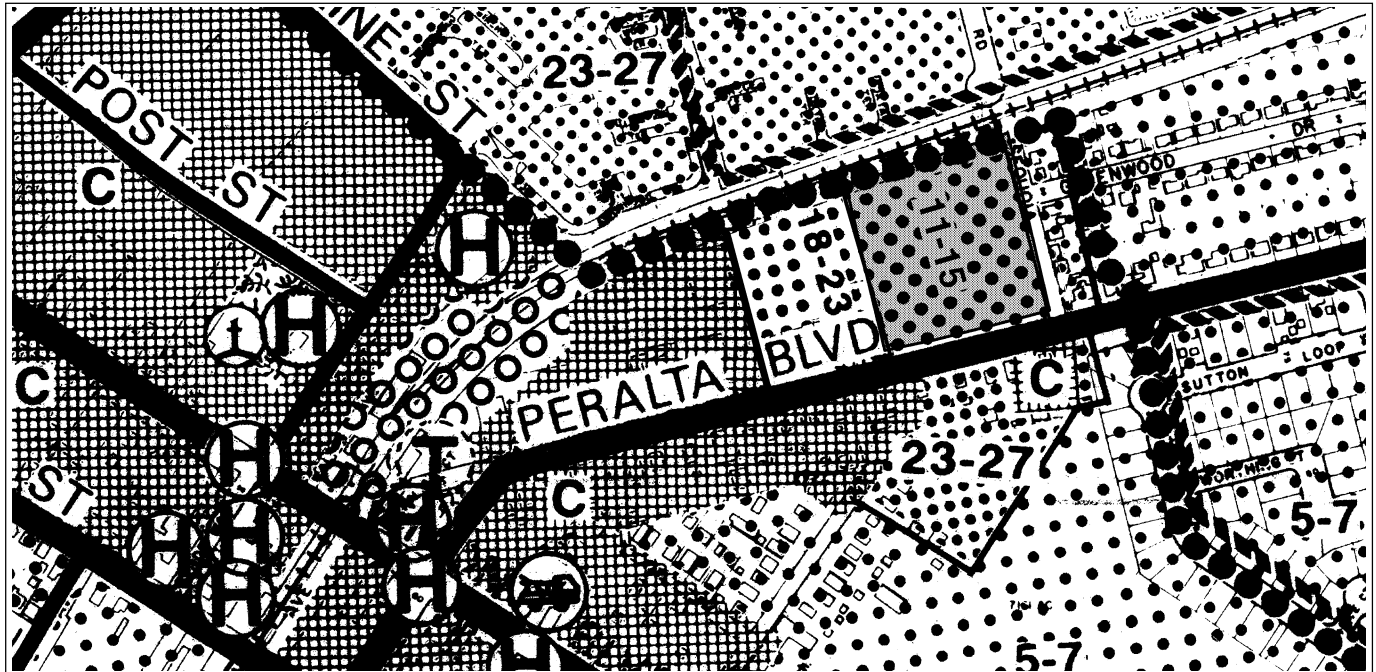
EXHIBIT "C"
Condition of Approval Vesting Tentative Tract Map 7201

1. The developer may elect to either pay a Park Dedication-in-lieu Fee prior to recordation of the Final Map as originally required by the Park Dedication-in-lieu Ordinance in effect at the time of Vesting Tract Map approval or prior to issuance of a building permit. In either case, the rate of the Park Dedication-in-lieu Fee will be based upon the fee in effect at the time of payment. Note: The City adjusts fee rates annually (typically in July or August of each year) in accordance with the provisions of the Park Dedication-in-lieu Ordinance.

INFORMATIONAL



Existing Zoning



Existing General Plan

Project Number: PLN2003-00196 (TTM 7201 EXT.)
Project Name: Highland Park
Project Description: To consider an extension for Vesting Tentative Tract Map 7201 for a 60-unit townhome project (PLN2000-00142) located at 3555 Peralta Boulevard in the Centerville Planning Area.

Note: Prior arrangements for access are not required for this site.

